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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,170	06/23/2004	Waldemar Iwanek	E-HE-0028	9206

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EXAMINER


DUPUIS, DEREK L

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/500,170	Applicant(s) IWANEK, WALDEMAR	
	Examiner Derek L. Dupuis	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see pages 4-6, filed 7/7/2005, with respect to the rejection(s) of claim(s) 1-6 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art. The rejection is detailed below.

2. Applicant's arguments, see page 4, in combination with the amendment to the claims filed 7/7/2005, with respect to the objection to claim 2 have been fully considered and are persuasive. The objection of claim 2 has been withdrawn.

### *Drawings*

3. The drawings were received on 7/7/2005. These drawings are accepted by the examiner.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Petrota et al (US 5,142,607)* and further in view of *Wittmeier, II et al (US 6,249,632 B1)*.

6. Petrota et al teach a splicing cassette management system comprising two splicing cassettes (34) which on a splicing cassette holder (31) mounted on a withdrawable mounting device (20) (see column 3, line 6 to column 4, line 2). The cassettes, the holder, and the withdrawable mounting device can be moved together on a first plane as is shown in the figure.

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The withdrawable mounting device is mounted in a housing (10) via guide rails (22.2). The splicing cassette holder and the splicing cassettes are withdrawn from the housing (10) together with the mounting device (20) via the guide rails (22.2) that are on two opposite sides of the housing. As can be seen in the figure, the withdrawable mounting device is in the form of a drawer. Petrotta et al do not teach that the splicing cassette holder can be pivoted from the first plane to a second plane. Wittmeier et al teach a splicing cassette management system as shown in figures 1-6. The system includes a plurality of splice organizers (45) on top of a slack storage holder (30). The bottom splicing cassette can be physically attached to the slack storage holder (30) (see column 6, lines 25-38) so that the slack storage holder “holds” the above splicing cassettes. The splice organizers (splicing cassettes) and the slack storage holder have a pivoting device mounted on one of its sides. The pivoting device is a latching join and is attached to the base of the system and enable the holder to fold from a first plane to a second plane (see column 5, lines 34-49). As shown in the figures the raised position of the holder is approximately 90 degrees from the first plane.

7. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the assembly of Petrotta et al by replacing the splicing cassettes and holder of Petrotta with the pivotable cassette and holder assembly as taught by Wittmeier et al by attaching the pivoting device to the base of the withdrawable mounting device. Motivation to use the pivotable assembly taught by Wittmeier would be “to facilitate access” to the various parts of the system (see column 2, lines 11-67).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L. Dupuis whose telephone number is (571) 272-3101. The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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